



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

**Advisory Opinion
No. 05-04-006AO**

The ethics law grants the Commission the authority to waive certain prohibitions in that law if specified criteria are met. A public employee asks the Commission to waive the requirement in the ethics law that he file a financial disclosure statement. The Commission cannot grant the requested waiver because it does not have the authority to waive an affirmative requirement in the ethics law.

The employee, who is now retired, states that he was on sick leave during CY04 and, therefore, the Commission should waive any requirement that he file a financial disclosure statement covering that year.

Section 19A-8 sets out the authority of the Commission to waive “the prohibitions of this Chapter.” While many, if not most, of the strictures of the ethics law are set out as prohibitions (prohibitions against unapproved secondary employment, prohibitions against conflicts of interest, prohibitions against misuse of public office, etc.), the requirement to file a financial disclosure statement is set out in the ethics law as an affirmative obligation. § 19A-18. The Commission does not have the authority to waive this requirement. *See Advisory Opinion 1994-4* (Apr. 12, 1994).

The employee may file his financial disclosure statement on line at <http://www.montgomerycountymd.gov/financialdisclosure> and may contact the Commission office at (240) 777-6670 if there are any questions.

FOR THE COMMISSION:

April 25, 2005

Date

Elizabeth K. Kellar, Chair